

RESOLUTION NO. 67-93

SOARING EAGLE COUNTY ROAD IMPROVEMENT DISTRICT

**RESOLUTION ORDERING IMPROVEMENT  
AND APPROVING ASSESSMENT DIAGRAM**

WHEREAS, on July 12, 1993, the Navajo County Board of Supervisors, the ex officio Board of Directors (the "Board") of the Soaring Eagle County Road Improvement District (the "District") passed and adopted Resolution No. 55-93 declaring its intention to grade, fill and pave roads within the District, all as shown on the Plans, Specifications and Estimate; determining that Improvements Bonds shall be issued to represent the costs and expenses thereof; declaring the work or improvement to be of more than local or ordinary public benefit, and that the costs and expenses thereof shall be assessed upon a certain district; providing that the proposed work or improvement shall be performed under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, and all amendments thereto. The said work or improvement, the District to be assessed, and the Improvement Bonds to be issued are more fully described in Resolution No. 55-93 to which reference is hereby made for such description; and

WHEREAS, Notice of the Adoption of the Resolution of Intention to Order Improvements was posted according to A.R.S. Section 48-916(B); and

WHEREAS, said Resolution was published as required by A.R.S. Section 48-916(A); and

WHEREAS, Notice of the Adoption of said Resolution was mailed to all property owners; and

WHEREAS, Notice of a Hearing to hear all protests has been published and mailed as required by A.R.S. Section 48-917 and 48-918; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention, and since the completion of the posting of said Notices of the proposed improvement; and

WHEREAS, either there were no protests, or no protests were found to be sufficient against the proposed work to be constructed and all objections have been denied; and

WHEREAS, the Board hereby finds and determines that it has jurisdiction to order the improvement as described in Resolution of Intention No. 55-93; and

WHEREAS, the District intends to pay for the costs of the construction of the improvements and all incidental costs as depicted on the estimate through the levy and collection of assessments upon all of the property to be benefited thereby; with bonds being issued to represent assessments not paid in full during the cash collection period following the recording of the Assessments; and

WHEREAS, there has been prepared a diagram as required by A.R.S. Section 48-927, which diagram shows each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done; and

WHEREAS, the Board having thereby acquired jurisdiction to order the work.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors of the Soaring Eagle County Road Improvement District hereby orders:

1. That the streets described in Resolution No. 55-93, the Resolution of Intention to Order the Improvement, and more particularly described in the Plans and Specifications filed pursuant to A.R.S. Section 48-914 be paved.
2. That the Superintendent of Streets shall execute and publish a Notice of the Passage of this Resolution and inviting

sealed bids for the construction of the improvements ordered therein, once in the White Mountain Independent newspaper and post the Notice for five days on or near the door of the Navajo County Board of Supervisors Chambers, Navajo County Governmental Complex, South Highway 77, Holbrook, Navajo County, Arizona.

3. That all proposals to construct the improvements shall be received before 10:00 A.m. MST on the 13 day of December, 1993, at the office of the Clerk of the Board of Supervisors of Navajo County, ex officio Clerk of the Board of Directors of the Soaring Eagle County Road Improvement District, Navajo County, Holbrook, Arizona.
4. That all such proposals shall be accompanied by those bonds as are necessary as set forth in A.R.S. Sections 48-922 and 34-201.
5. That the construction of the improvements shall be done in conformance with the Plans and Specifications filed pursuant to A.R.S. Section 48-914.
6. That the diagram is hereby approved and that the Clerk shall certify that fact and a copy of the diagram shall be delivered to the Superintendent of Streets.

ADOPTED this 16 day of August, 1993.

BOARD OF DIRECTORS  
SOARING EAGLE COUNTY  
ROAD IMPROVEMENT DISTRICT

BY: [Signature]  
Chairman

ATTEST:

[Signature]  
Clerk

APPROVED AS TO FORM:

[Signature]  
ORDIMP.RES/SOARING

## ADVERTISEMENT FOR PROPOSALS

### NOTICE

#### OF THE PASSAGE OF THE RESOLUTION ORDERING THE IMPROVEMENT AND INVITING PROPOSALS FOR THE IMPROVEMENT KNOWN AS SOARING EAGLE COUNTY ROAD IMPROVEMENT DISTRICT

This Notice is given pursuant to the provisions of Title 48, Chapter 6, Articles 1, Sections 48-901 to 48-965, inclusive, Arizona Revised Statutes, and amendments and supplements thereto.

On August 16, 1993 the Board of Directors of the Soaring Eagle County Road Improvement District, (the "Board"), Holbrook, Arizona duly passed and adopted its Resolution Number \_\_\_\_\_ ordering that the WORK described in Resolution of Intention No. 55-93 be done, said Resolution also directing this Notice to be given.

SEALED BIDS for the construction of the Soaring Eagle County Road Improvement District (the "District"), WILL be received by the District at the office of the Navajo County Board of Supervisors (the Board of Directors for the District) at the Navajo County Governmental Complex, South Highway 77, P.O. Box 668, Holbrook, Arizona 86025 until \_\_\_\_\_ a.m. Mountain Standard Time on the \_\_\_\_\_ day of \_\_\_\_\_, 1993. As soon thereafter as possible, the BIDS WILL be opened publicly and read aloud. BIDS SHALL be addressed to Soaring Eagle County Road Improvement District, Navajo County Board of Supervisors, Navajo County Governmental Complex, P.O. Box 668, Holbrook, Arizona 86025, and SHALL be labeled "Bids for Soaring Eagle County Road Improvement District".

All PROPOSALS WILL be opened and the total amounts so BID read aloud in a public meeting of the Board held at the Supervisors Chambers, Navajo County Board of Supervisors in Holbrook, Arizona on \_\_\_\_\_, 1993. All PROPOSALS SHALL be tabulated by the DISTRICT ENGINEER who SHALL report his findings to the Board of the District. It is expected that the Board WILL AWARD the CONTRACT to the lowest and best responsible BIDDER on \_\_\_\_\_, 1993, at the Board meeting following the BID opening and receipt of all necessary approvals.

The WORK includes the FURNISHING of all labor, materials and EQUIPMENT for the grading, filling, paving and installation of culverts to roads, as described in the PLANS and SPECIFICATIONS, within the boundaries of the Soaring Eagle County Road Improvement District on file with the District for the construction of the WORK. The PROJECT is located in Pinetop Lakes, Arizona.

Copies of the BID documents, PLANS and SPECIFICATIONS may be inspected and obtained at the office of the Superintendent of Streets, Chuck Williams, Navajo County Governmental Complex, South Highway 77, Holbrook, Arizona 86025 telephone: (602) 524-6161, at a non-refundable fee of \$10.00 for each set. BID documents, PLANS and SPECIFICATIONS may be obtained by mail, for an additional \$5.00 non-refundable fee, from the Soaring Eagle County Road Improvement District, Navajo County Board of

Supervisors, Navajo County Governmental Complex, P.O. Box 668, Holbrook, Arizona 86025.

Full-size DRAWINGS WILL be sent when DRAWINGS are revised and issued as ADDENDA. Full-size DRAWINGS issued as ADDENDA WILL contain only the revisions made to the DRAWINGS at the time of issuance.

BIDDERS must be eligible to do said WORK under and in accordance with, and must agree to conform to, the laws of the State of Arizona.

Each BID SHALL be accompanied by a Surety Bid Guaranty Bond or a certified or cashier's check payable to the order of the District in an amount not less than ten percent (10%) of the amount of the BID as a guaranty that the BIDDER WILL execute the CONTRACT if it be awarded in conformity with the BID form. The successful BIDDER WILL be required to FURNISH Performance and Payment Bonds in the form specified in the CONTRACT DOCUMENTS each in an amount not less than one hundred percent (100%) of the CONTRACT PRICE. The bonding company must be licensed to conduct business in the State of Arizona.

The District reserves the right to reject any or all PROPOSALS or BIDS or to withhold the AWARD of the CONTRACT for any reason it may determine. The District SHALL determine which BID is the lowest and best BID of a responsible BIDDER.

BIDS received after the time established for receiving BIDS WILL not be considered. No BIDDER may withdraw his BID after the time established for receiving BIDS or before the AWARD and execution of the CONTRACT, unless the AWARD is delayed for a period exceeding sixty (60) calendar DAYS.

The Board has determined that improvement BONDS may be issued to represent a portion of the construction cost and all of the incidental costs of such WORK and improvement, including engineering, printing, advertising and posting and preparation of proceedings; and notice is hereby given that such BONDS SHALL be issued by the District under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, as amended, but payable only out of a special fund collected in not more than twenty-five (25) annual installments from the assessments of twenty-five dollars (\$25.00) or over remaining unpaid forty (40) DAYS after the date of the warrant. The BONDS payable out of the first installment collected SHALL be payable on the first DAY of January or July next after the collection of the first installment of the assessments can be made under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, and amendments and supplements thereto, and on the first DAY of January or July of each year thereafter all as specified in the Resolution Authorizing the Issuance and Sale of the Bonds until all are paid. Said BONDS SHALL bear interest at a rate of not to exceed fifteen percent (15%) per annum. Interest WILL be payable on the first DAY of January and July of each year.

THE CONTRACTOR WILL BE PAID WITH CASH PAYMENTS ONCE EACH MONTH, SUCH PAYMENTS TO BE ON THE BASIS OF NINETY PERCENT (90%) OF THE VALUE OF THE WORK ACTUALLY PERFORMED AS ESTIMATED BY THE DISTRICT ENGINEER. WHEN THE CONTRACT IS FIFTY PERCENT (50%) COMPLETED, ONE-HALF OF THE AMOUNT RETAINED SHALL BE PAID TO THE CONTRACTOR PROVIDED THE CONTRACTOR IS MAKING SATISFACTORY

PROGRESS ON THE CONTRACT AND THERE IS NOT A SPECIFIC CAUSE OR CLAIM REQUIRING A GREATER AMOUNT TO BE RETAINED. AFTER THE CONTRACT IS FIFTY PERCENT (50%) COMPLETED, NO MORE THAN FIVE PERCENT (5%) OF THE AMOUNT OF ANY SUBSEQUENT PROGRESS PAYMENTS MADE UNDER THE CONTRACT MAY BE RETAINED PROVIDING THE CONTRACTOR IS MAKING SATISFACTORY PROGRESS ON THE PROJECT, EXCEPT THAT IF AT ANY TIME THE OWNER DETERMINES SATISFACTORY PROGRESS IS NOT BEING MADE, TEN PERCENT (10%) RETENTION SHALL BE REINSTATED FOR ALL PROGRESS PAYMENTS MADE UNDER THE CONTRACT SUBSEQUENT TO THE DETERMINATION. THE RETAINAGE WILL BE PAID AFTER THE GOVERNING BODY HAS APPROVED THE WORK. APPROVAL OF THE WORK IS EXPECTED TO OCCUR APPROXIMATELY NINETY (90) DAYS AFTER ALL WORK TO BE LET FOR THE IMPROVEMENT DISTRICT HAS BEEN COMPLETED. THE CONTRACTOR WILL NOT BE REQUIRED TO ADVANCE INCIDENTAL EXPENSES. THE CONTRACTOR WILL NOT BE RESPONSIBLE FOR MAKING CASH COLLECTIONS FROM PROPERTY OWNERS.

Without charge, the District WILL provide the winning BIDDER with the opinion of the Law Office of John G. Gliege, Flagstaff, Arizona, concerning the validity of the proceedings to and including the execution of the construction CONTRACT. The fees of the Law Office of John G. Gliege WILL be paid as part of the incidental expenses.

No BIDDER MAY withdraw his PROPOSAL for a period of sixty (60) DAYS after the date set for the opening thereof.

The District reserves the right to cancel this notice at any time.

Any other provisions of this notice or the PLANS and SPECIFICATIONS to the contrary, the District shall have the right to withdraw from and terminate the contract up to the issuing of the Notice to Proceed if it is unable to sell its BONDS to finance the project. Such withdrawal and termination WILL not give rise to a claim for damages from the CONTRACTOR.

This Notice does not purport to be a complete statement of the terms and conditions of the CONTRACT or conditions for its execution; such information is contained in the CONTRACT DOCUMENTS.

Further information concerning the District, and the construction CONTRACT for the WORK MAY be obtained by contacting Chuck Williams, Navajo County Engineer, Navajo County Governmental Complex, South Highway 77, P.O. Box 668, Holbrook, Arizona 86025, (602) 524-6161.

DATED this \_\_\_\_\_ day of August, 1993.

SOARING EAGLE  
COUNTY ROAD IMPROVEMENT DISTRICT

BY: \_\_\_\_\_  
Chuck Williams, Superintendent  
of Streets

(Must be published once in the White Mountain Independent at least ten (10) DAYS prior to the BID opening.)

(Must be posted for at least five (5) days on or near the door of the Chambers of the Navajo County Board of Supervisors.)



When recorded mail to:



FEE # 93 13644

9-28-93 cc:anger nlc

RECORDED AT THE REQUEST OF

BOARD OF SUPERVISORS

ON AUG 31 '93 - 12 10 PM

IN DOCKET 1143 PAGE(S) 885-890 Incl.

OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA  
JAY H. TURLEY, RECORDER

This space reserved for recording information

**MICROFILMED  
INDEXED**

CAPTION HEADING: Resolution # 68-93

DO NOT REMOVE

This is part of the official document.